August 17, 2012

The Maryland Association of Counties (MACo) submits the following comments to the Maryland Department of the Environment (MDE) regarding the draft version of Maryland's Plan to Reduce Greenhouse Gas Emissions (Plan). MACo recognizes that climate change could pose significant challenges to Maryland and its counties and wishes to acknowledge the significant work and effort of agency staff in the creation of the Plan.

However, MACo is concerned with the lack of specificity and feasibility of several areas of the Plan. MACo's comments fall within four general categories: (1) comments regarding the estimated costs, economic benefits, and results of implementing the strategies proposed in the Plan; (2) specific greenhouse gas (GHG) reduction strategies outlined in Chapter 6 of the Plan that would significantly affect local governments; (3) adaptation strategies outlined in Chapter 8 of the Plan that would significantly affect local governments; and (4) the process that will be used to finalize and potentially implement the Plan.

Cost, Benefits and Results

• The Plan should estimate the implementation costs of each reduction strategy for the State, local governments, and other key stakeholders.

The cost of implementing the 65 proposed reduction strategies in Chapter 6 and Appendix C of the Plan is estimated to be \$3 billion. While the potential job and economic benefits of the reduction strategies are discussed, the implementation costs that would be borne by the State, local governments, and other stakeholders are not. Just as the Plan estimates the potential economic benefits of each strategy, the Plan should also estimate each strategy's implementation costs.

County governments are already facing significant costs to comply with the federal Chesapeake Bay Total Maximum Daily Load requirements and various state mandates, such as new septic system growth tiers, PlanMaryland planning areas, and stormwater management requirements.

 The Plan should provide greater cost information for each adaptation strategy for the State, local governments, and other key stakeholders.

Little cost information for the adaptation strategies discussed in Chapter 8 of the Plan except to assign generic such as "high," "low," and "to-be-determined." As noted in the first bullet, the costs that would be borne by the State, local governments, and other stakeholders should be estimated to the extent feasible before a commitment is made to implement the adaptation strategy.

 The Plan should address how the reduction strategies will affect climate change in Maryland.

The Plan highlights climate change as the chief reason to reduce GHGs and Chapter 4 of the Plan highlights the "cost of inaction" if climate change is not addressed. Chapter 5 of the Plan discusses ancillary benefits of reducing GHGs, including improvements to the health of the Chesapeake Bay, public health, and air quality. However, the Plan does not quantify how the reduction strategies will actually affect climate change.

• Further analysis of the potential economic and job impacts of the reduction strategies should be undertaken.

A preliminary economic analysis conducted by Towson University's Regional Economic Studies Institute (RESI) estimates that if all 65 of the Plan's proposed reduction strategies are implemented the result will be the creation of approximately 36,000 jobs, \$6.1 billion in additional economic output, and \$2.1 billion in additional wages. According to RESI, for every \$1 million invested in the reduction strategies, 15 jobs will be created with an economic output of \$1.8 million and \$0.6 million in wages.

While acknowledging that the findings are preliminary, the Plan dedicates an entire chapter (Chapter 7) to the RESI study. Based on the prominence given to the RESI study, further analysis of the potential job and economic development impacts should be undertaken. If feasible, economic impacts and benefits should be mapped to a regional or county level.

GHG Reduction Strategies

MACo's initial comments regarding the 65 proposed reduction strategies will focus on three specific strategies. Ultimately, MACo may have additional concerns regarding other potential strategies as further detail is provided.

 The economic feasibility of increasing recycling goals, especially for rural counties, should be examined before setting new recycling goals for county governments under the Recycling – 1 strategy.

The Recycling – 1 strategy discusses recycling and source reduction and contemplates increased recycling rates for county governments. While a robust and economically viable recycling program can result in many benefits, including GHG reduction, recycling is heavily dependent on raw material costs and population density in order to be profitable. For most Maryland counties, recycling does not generate a net profit and instead constitutes an unfunded state mandate. Rural counties, with smaller populations and longer travel distances, are particularly challenged as the lack of a viable market precludes interest from most recycling vendors. MDE should consider the economic feasibility of any proposed recycling goal increases and identify funding sources necessary to hold counties where recycling is unprofitable harmless.

 County governments should not be subject to a vehicle miles traveled (VMT) target under Land Use – 1 strategy.

The Land Use – 1 strategy would require local governments to use their land use planning and zoning authority to "require a significant adjustment of land use patterns away from automobile-oriented development." Furthermore, "[the Maryland Department of Planning (MDP) and sister agencies will investigate the feasibility in Maryland of implementing California's Senate Bill 375 bill and will develop sustainability criteria (e.g., a decrease or no net increase in VMTs) that local transportation plans and projects must achieve in order to receive State transportation funds." (Both quotes from page 253 of the Plan.)

MACo opposes VMT targets for county governments. There are many reasons behind where people choose to live and work and how they travel, including attachment to a particular geographic area or lifestyle, family location, housing affordability, and job location. The ability of a county government to influence these choices through the comprehensive planning and zoning process is limited and the Land Use – 1 strategy should be removed from the Plan.

Mass transit options are not (and realistically will not be) available in many regions of the state. Additionally, counties have little ability to control "pass through" traffic that travels through a particular jurisdiction in order to reach a destination outside of the jurisdiction.

In addition, the Maryland Department of Transportation (MDOT) has long been the primary state agency associated with transportation planning. Yet the Land Use – 1 strategy casts MDP as the lead agency. MACo questions why the transfer of a longstanding MDOT responsibility to an agency that has not previously held a major transportation oversight role is necessary.

• County governments and metropolitan planning organizations (MPOs) should not be subject to GHG targets under the Land Use – 2 strategy.

The Land Use – 2 strategy would establish GHG transportation and land use planning goals for local governments and metropolitan planning agencies. While initially voluntary, such goals could easily become mandatory. MDE is in the process of vetting regulations to assign GHG emission targets and reporting requirements for certain MPOs. Both the Baltimore Regional Transportation Board and the National Capital Transportation Planning Board, along with county transportation and MDOT officials have expressed concerns over the propriety and feasibility of the regulations. Unless current MPO and county concerns can be addressed, the Land Use – 2 strategy should be removed from the Plan.

Adaptation Strategies

 The Plan should more clearly highlight the potential responsibilities that will be placed on county governments under the proposed adaptation strategies. Chapter 8 of the Plan states that Maryland is already experiencing the effects of climate change and that a series of adaptation strategies should be implemented to offset its future effects. Some of the strategies would clearly require significant county government commitment and resources but lack necessary specificity. Other strategies, however, are so vague that the effect on county governments cannot even be estimated.

For example, a recommendation under the section on sea-level rise would require the integration of sea-level rise adaptation and response planning strategies into existing local policies and programs, including modifications to building codes and construction techniques. A recommendation under the human health section would require the local planning practices to improve health response capacity through the development of new or expanded programs. While clearly indicating some level of county government funding and programmatic changes, more information is needed before counties can truly comment on their costs and impacts.

Other key recommendations involve potentially significant changes to water resource, infrastructure, and population management. However, many of these recommendations are vague and lack specificity. For example, MDE proposes to "manage water through the lens of future climate and population." MDP proposes to "explore incentives to promote sound planning practices." Without having a better understanding of the impacts of the proposed adaptation strategies on county governments, it is difficult to comment on the strategies in a meaningful way.

Process

 The ongoing process to develop reduction and adaptation strategies should be open and collaborative and proactively include county governments and other key stakeholders.

The Plan states that Maryland's response to climate change "must be a highly integrated process that occurs on a continuum, across all levels of government, involving many internal and external partners and individual actions..." (Pages 315 and 317.) Many of the proposed strategies in the Plan will require significant policy changes and resource investment by local governments and other stakeholders but were developed without their participation and input.

Such participation needs to go beyond simply commenting on a series of strategies developed exclusively by the State. Stakeholders should be part of an ongoing process to develop, refine, and accept or reject both reduction and adaptation strategies. Funding sources should also be identified where the strategies envision new county government spending. Otherwise, the Plan will face the same unresolved challenges as the Chesapeake Bay TMDL process. A realistic timeframe for consideration and implementation of the strategies should also be established.

Conclusion

MACo appreciates the opportunity to comment on the Plan and hopes that the concerns of MACo and other comments submitted by the counties are addressed prior to the final adoption of the Plan. Given the complexity and potential consequences of climate change, time should be allowed for stakeholders to fully debate and review the Plan before it is finalized. Additionally, amendments to the he draft Plan should be developed as part of a collaborative process and not be driven by a top-down "one-size-fits-all" approach.

For further information regarding MACo's comments on the Plan, please contact Legal and Policy Counsel Les Knapp at 410.269.0043 or lknapp@mdcounties.org.